

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and the following remarks.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-8 are pending in this application. Claim 1 is independent and is hereby amended by this response. Claims 1-3 and 6-8 are rejected in the Office Action.

**II. THE REJECTIONS UNDER 35 U.S.C. § 112**

In paragraph 3 of the Office Action, claims 3-7 were rejected under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Applicants have amended claims 3 and 6 to recite, at the suggestion of the Examiner, the travel path of the pin in the tracks, rather than reciting “permanently” to define the operation.

**III. THE REJECTIONS UNDER 35 U.S.C. § 103(a)**

In paragraph 5 of the Office Action, claims 1-3 and 6-8 were rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by FR 2,473,221 to Rutterschm (hereinafter merely “Rutterschm”) in view of U.S. Patent No. 6,392,374 to Menetrier et al. (hereinafter merely “Menetrier”). The rejections are traversed for at least the following reasons.

As recited in independent claim 1, the instant invention is directed to *inter alia*:

“A device for manual control of the position of switching means having two extreme positions A and C and an intermediate position B, provided with a crank comprising a crank pin and controlling the electrical powering of a motor for operating a closure, privacy or sun-protection element, which device comprises a slider that can

move in translation, has a specific rest position and is provided with tracks in which the crank pin is displaced, and wherein, when the slider is displaced toward its specific rest position, the tracks allow the crank pin to be guided toward three zones (a, b and c) of the slider so that the crank pin can reach three distinct stable positions for the same specific rest position of the slider, these three distinct stable positions corresponding to the three positions of the switching means (A, B, and C)." (Emphasis added).

As understood by the Applicants, Rutterschm relates to an electric switch and not specifically to an electric switch for controlling the electric power of a motor for operating a closure, privacy or sun-protection element. As understood by the Applicants, Menetrier relates to a control device that includes a switch controlling the power supply to a motor and an actuator which actuates this switch by rotatably reacting against the moving object being restrained so as to cause the switch to be opened and to cut off the power supply to the motor.

The relied upon portions of Rutterschm and Menetrier do not appear to teach or disclose the above identified feature of claim 1. Therefore Applicants respectfully submit that neither Rutterschm nor Menetrier teach or suggest a switching means having two extreme positions A and C and an intermediate position B. Specifically, they do not disclose a crank pin that can reach three distinct stable positions for the same specific rest position of the slider, these three distinct stable positions corresponding to the three positions of the switching means (A, B, and C, as recited in the instant claims. Stated in other words, they do not disclose a rest position of the slider so that the switching means can be in three positions.

For at least the foregoing reasons, Applicants' attorneys respectfully submit that independent claim 1 patentably distinguishes over the relied upon portions of Rutterschm and Menetrier, and is therefore allowable. For similar reasons, independent claim 8 is believed to be patentable. Further, claims 2-7 that depend from claim 1 are allowable therewith.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

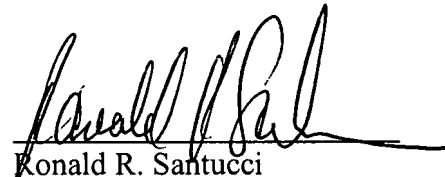
**CONCLUSION**

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

  
Ronald R. Santucci  
Reg. No. 28,988  
(212) 588-0800